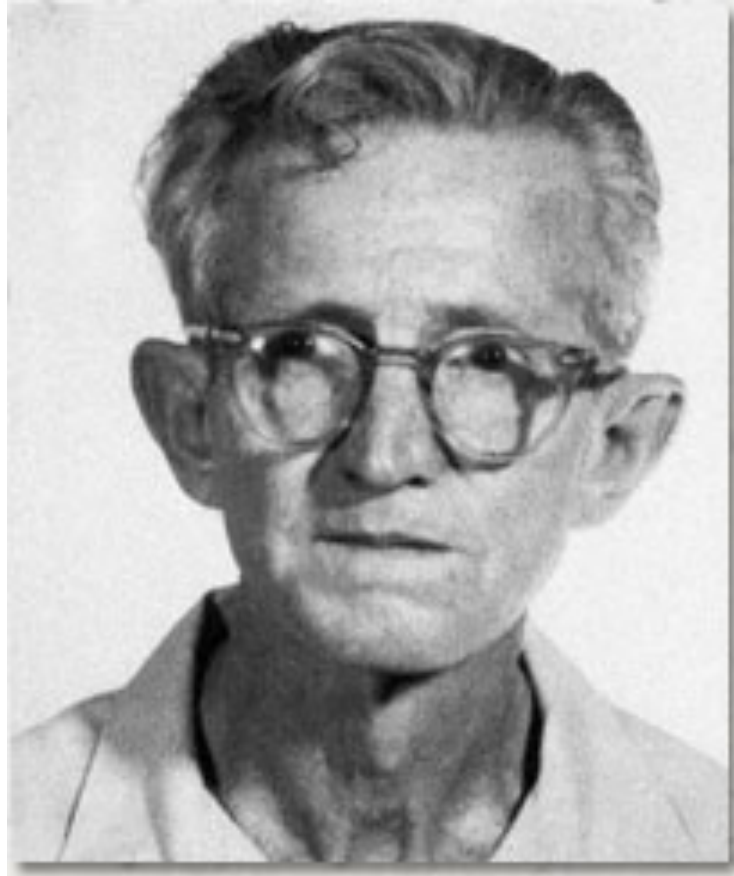
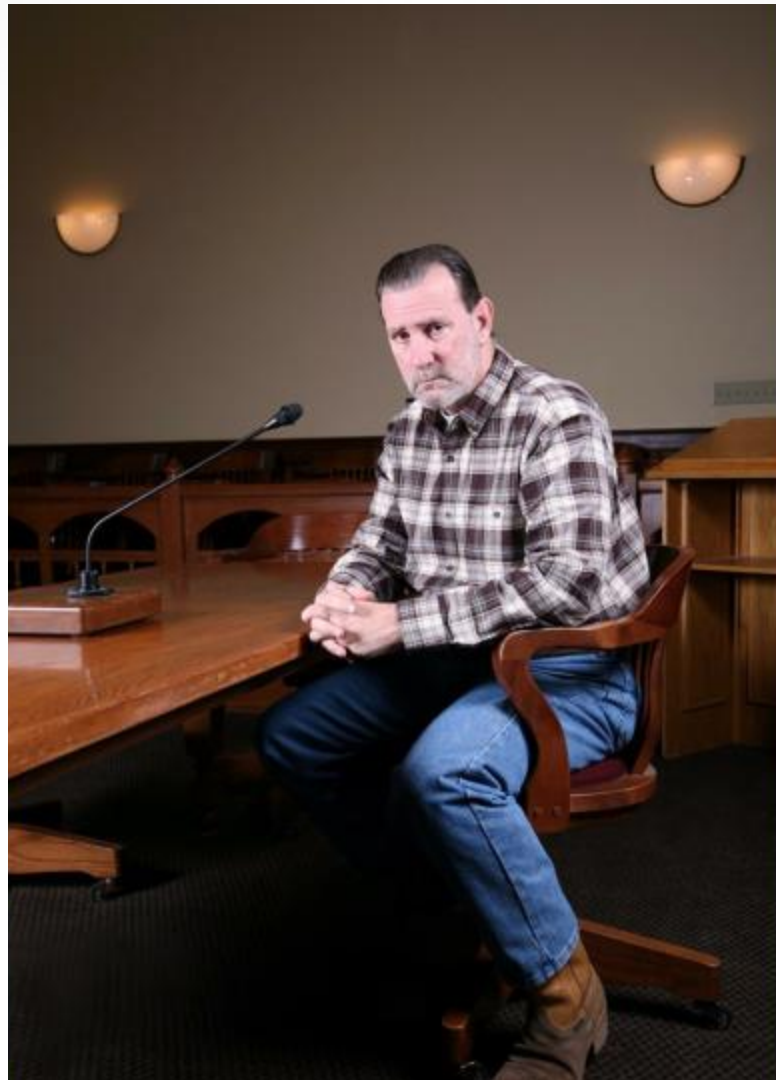


# Providing Counsel at Initial Bond Settings: Why and How





# Effects

- Job loss, homelessness, *increased* likelihood of re-offense
- “Movement to financial bonds as a requirement for pretrial release...makes economic status a significant factor
- Low-risk defendants who are detained for the entire pretrial period are 5.41 times more likely to be sentenced to jail and 3.76 times more likely to be sentenced to prison.
- Moderate and high-risk defendants → 3 times more likely to be incarcerated
- Defendants who are detained for the entire pretrial period receive longer jail and prison sentences.

# Conference of Chief Justices Resolution 3, 2013



# Factors

- Constitutional: Stack v. Boyle
  - Individualized Determination
  - Money Matters
  - Flight
- SC Code 17-15-10 and 17-15-30 (flight and safety)
- SC Code 17-15-30 & 22-5-510 (specifics)
- Presumption for P.R.

# Bond Denial

- When? → S.C. Code 16-1-60
- Practically:
  - Heavily dependent on Solicitor
  - Armed Robberies/Attempted Murders
- Salerno (Due Process)
  - Adversarial hearing (6<sup>th</sup> Amend.)
  - Clear and Convincing/No Conditions
  - Present evidence
  - Written Findings
  - Timing

